

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RAY A. HINOJOSA (SPN #105315),
Plaintiff,

v.

GEAN LEONARD,
Defendant,

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§

CIVIL ACTION NO. H-06-2094

ORDER TO TRANSFER

Ray A. Hinojosa (SPN #105315) is an inmate incarcerated in the Galveston County Jail. He proceeds *pro se* and he has neither paid the filing fee nor submitted a properly supported motion for leave to proceed *in forma pauperis*. Because Houston is not the proper venue for the plaintiff's claims, the Court will transfer this case for reasons set forth briefly below.

"For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it may have been brought." 28 U.S.C. § 1404(a); *see also* 28 U.S.C. § 1406 (providing that a district court may dismiss a case improperly filed in the wrong district or division or, in the interest of justice, transfer the case to any district or division in which it could have been brought). A district court has "broad discretion in deciding whether to order a transfer." *Balawajder v. Scott*, 160 F.3d 1066, 1067 (5th Cir.), *cert. denied*, 526 U.S. 1157 (1999).


Hinojosa sues Galveston County Sheriff Gean Leonard concerning the conditions of confinement at the jail. The claims appear to have no connection to the Houston Division.

The alleged civil rights violations occurred, if at all, in Galveston County, where the plaintiff, the defendant, and the potential witnesses presently reside. Galveston County, Texas, is located within the United States District Court for the Southern District of Texas, Galveston Division. 28 U.S.C. § 124(b)(1). Because the plaintiff's claims arose in Galveston County, the Court concludes that the complaint in this case is more appropriately addressed in the Southern District of Texas, Galveston Division. *See Mayfield v. Klevenhagen*, 941 F.2d 346, 348 (5th Cir. 1991).

Accordingly, in the interest of justice and for the convenience of the parties and witnesses, the Court **ORDERS** the Clerk to **TRANSFER** this case to the United States District Court for the Southern District of Texas, Galveston Division, pursuant to 28 U.S.C. §§ 1391, 1404(a).

The Clerk will provide copies of this order to the parties.

SIGNED at Houston, Texas, on **June 27, 2006**.


Nancy F. Atlas
United States District Judge